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The Honorable Judge Denny Chin,
United States District Judge,
Office of the Clerk, J. Michael McMahon
U.S. District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007-1312

ref The Author's Guild Inc et al v Google Inc. Case No. 05 CV 8136 (S.D.N.Y.) (DC)

September 4th 2009.

Dear Judge Chin,

If the settlement is agreed in principle, I am writing to request for an amendment in the determination of "in print". Please can the following clause or something similar be inserted, into the Attachment A to Settlement Agreement, probably at 3.2 (a) (i) (4), to say :

"A Book is not "in-print" if the author-publisher contract is governed by foreign law which allows for automatic reversion to the Author of rights in the Book and the criteria for such automatic reversion have been met."

The effect would be for the Author to receive 100% of the payment from the Registry where the rights have automatically reverted to the Author by statute in the country where the original author-publisher contract was made.

While I do not expect that the court will want to investigate the arrangements of foreign laws, this can be managed by the Registry once it is established.

For example, in Britain, the 1911 Copyright Act determined that all assignments of copyright rights revert automatically to the Author's estate 25 years after the death of an author. This applies to all works published before June 1st., 1957 (when the Copyright Act 1956 became law) unless new assignments were agreed after June 1st., 1957.

This settlement with Google is concerned with out of print and includes orphan works, therefore this is an important time frame for the settlement to address.

I understand that Google has scanned books from several institutions, including the Bodleian Library in Great Britain, which means that many of the titles which they have copied, will be subject of contracts between Publishers and Authors written in Britain and subject to British laws.

I am the successor in title to authors who have works held in the Bodleian library and elsewhere.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Giles Sandeman".

Giles Sandeman Sandeman-Allen.

Copies by email to: bookclaims@bonizack.com; bookclaims@debevoise.com; bookclaims@durietangri.com